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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)**

**MICHAEL A. KENT, DANIEL
JOHANNING, AND JAKUB CMIRAL,**
individually and on behalf of all those
similarly situated,

Plaintiffs,
v.

HEWLETT-PACKARD COMPANY, a
Delaware corporation,

Defendant.

CASE NO. C 09-05341 JF

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING ON
DEFENDANT'S MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED
CLASS ACTION COMPLAINT AND
MOTION TO STRIKE CLASS ACTION
ALLEGATIONS**

1 WHEREAS, on July 6, 2010, the Court granted in part, and denied in part, Defendant
2 Hewlett-Packard Company's ("HP") Motion To Dismiss Plaintiffs' First Amended Class Action
3 Complaint with leave to re-plead;

4 WHEREAS, on September 24, 2010, Plaintiffs filed their Second Amended Class Action
5 Complaint for Damages, Restitution and Injunctive Relief;

6 WHEREAS, on November 19, 2010, HP filed its Motion to Dismiss Plaintiffs' Second
7 Amended Class Action Complaint and a separate Motion to Strike Class Allegations From
8 Plaintiffs' Second Amended Complaint, with the motion hearings scheduled before Judge Fogel
9 on January 21, 2010, at 9:00 a.m.;

10 WHEREAS, on December 14, 2010, HP filed its memorandum of law in opposition to
11 Plaintiffs' Motion to Compel Discovery from HP;

12 WHEREAS, the Court has ordered a Settlement Conference before Magistrate Judge
13 Howard R. Lloyd on January 26, 2011;

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1 IT IS HEREBY STIPULATED by and between the parties, through their respective
2 counsel, that:

3 1. The hearing of Defendant's Motion to Dismiss Plaintiffs' Second Amended Class
4 Action Complaint and Motion to Strike Class Allegations From Plaintiffs' Second Amended
5 Complaint shall be continued until March 4, 2011;

6 2. Plaintiffs will not seek additional discovery from Defendant HP, other than the
7 discovery sought in Plaintiffs' Motion To Compel filed November 30, 2010, or which otherwise
8 may be necessary to confirm the terms of any settlement agreement which may be reached, prior
9 to a ruling on Defendant's Motion to Dismiss Plaintiffs' Second Amended Class Action
10 Complaint, Defendants' Motion to Strike Class Allegations From Plaintiffs' Second Amended
11 Complaint, and Plaintiffs' Motion To Compel Discovery from Defendant HP.

12 3. Plaintiffs shall file any opposition briefs to HP's Motion to Dismiss and HP's
13 Motion to Strike on or before February 4, 2011. HP shall file any reply briefs in support of its
14 respective motions on or before February 18, 2011.

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16 Dated: December 17, 2010

By: /s/ Samuel G. Liversidge
Samuel G. Liversidge
GIBSON, DUNN & CRUTCHER LLP
Attorneys for Defendant,
Hewlett-Packard Co.

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19 Dated: December 17, 2010

By: /s/ Michael F. Ram
Michael F. Ram
RAM & OLSON LLP
Attorneys for Plaintiffs

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24 **IT IS SO ORDERED.**

25 Dated: 1/5/2011


The Honorable Jeremy Fogel
United States District Court Judge